

**SUBSTITUTE REMARKS**

Claims 1-44 remain in the application. Claims 16-44 stand withdrawn as directed to non-elected inventions. Applicant respectfully requests re-examination. A request for a three-month extension of time is submitted herewith.

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they did not include the reference number 104 mentioned in the specification.

New formal drawings of a better quality are submitted herewith.

To overcome the lack of the number 104 in the drawings, the specification has been amended at paragraphs 18 and 19 to change “104” to 120, which is shown in Figure 1. Applicant respectfully requests that this objection be withdrawn.

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. §102(b) as anticipated by Microsoft PhotoDraw 2000, a software program of Microsoft Corporation, Ver. 2.0.0.1229 dated 1995-1999, screenshots of which were included in the office action (“PhotoDraw”).

Applicant respectfully traverses.

Claim 1 specifically recites, “Placing the selective plurality of paint colors on a first plurality of paint sample cards, with one color on each sample card; and arranging the first plurality of paint sample cards on a display unit according to hue and chroma so that the displayed paint sample cards gradually vary in hue, in a first direction, and gradually vary in chroma, in a second direction.”

The PhotoDraw reference, according to the office action, allows a user to arrange “swatches within the custom palette so that the swatches gradually vary in hue in a vertical direction while gradually varying in saturation, also known as chroma, in the horizontal direction.”

Just because a software program has the power and flexibility of displaying swatches of color in a manner dictated by the claimed invention, does not make that software program a prior art reference that teaches the invention of arranging a plurality of physical paint sample cards in a two dimensional display as claimed. See: *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 75 USPQ2d 1051 (Fed. Cir. 2005) (using invention as roadmap to find its prior art components is unpermitted hindsight); *Teleflex, Inc. v. KSR International Co.*, 119 Fed. Appx. 282 (Fed Cir. 2005) (there must be facts to support the reason a skilled artisan with no knowledge of the claimed invention, would make the selection claimed).

Applicant respectfully requests that this rejection be withdrawn.

Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw.

Applicant respectfully traverses. Applicant respectfully sets forth herewith the arguments set forth above for Claims 10-3, 5 and 6.

Applicant respectfully requests that this rejection be withdrawn.

Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw in view of Painting On Location Lesson – RCW, the original real color wheel by Jusko O'Donald (Jusko).

Applicant respectfully traverses.

Claim 7 specifically recites “arranging one or more color combination sample cards adjacent to the first plurality of sample cards, so that each color combination sample includes one of the first plurality of paint sample cards it is adjacent to and one or more complementary colors.” Neither PhotoDraw or Jusko disclose or teach this arrangement. Applicant respectfully requests that this rejection be withdrawn.

Claims 8-10 and 12-15 were rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw in view of *Wright et al* (U.S. Pub. 2004/004680281).

Applicant respectfully traverses.

Claim 8 specifically recites “a card display structure adapted for displaying color sample cards in a plurality of columns and rows” along with “a first plurality of paint sample cards, each paint sample card including one or more paint colors of similar hue, the first plurality of paint sample cards of similar hue being arranged in a first column of the paint sample display, from most chromatic to least chromatic; and a second plurality of paint sample cards arranged within the first column of the first plurality of paint sample cards, each of the second plurality of paint sample cards including a white paint color having one or more white colors of similar tint as a color of the paint sample card in the first plurality of sample cards that it is adjacent to.” Neither PhotoDraw nor *Wright et al* describe or teach such a paint sample card display unit.

Claim 12 recites “a display unit having a two dimensional array structure to display paint sample cards, the array structure arranged as a plurality of contiguous hue regions of a full range of known colored hues; a first plurality of paint color sample cards arranged in a first hue region . . . including hue colors closely related to, or the same as, each other hue in the first hue region, the color sample cards in each of the hue regions arranged according to their ascending or descending hue value in a first dimension, and either ascending or descending chromatic value in a second dimension of the display unit” and in addition, “a second plurality of white paint color sample cards having a tint corresponding to the hue of the first hue region and arranged within the first hue region.” Neither PhotoDraw or *Wright et al* disclose or teach such a structure.

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, applicant respectfully submits that all the claims that are not withdrawn are allowable and respectfully requests early indication of same.

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Very truly yours,

**SNELL & WILMER L.L.P.**



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